

LEGISLATIVE INTERIM COMMITTEES -- JUNE 2018

LAW ENFORCEMENT AND CRIMINAL JUSTICE		
Bill Title/Subject Matter:	Gun Violence in Schools	
Legislator(s) –Sponsor:	Rep. Stephen Handy	
Interested Parties:	Brian Redd, Deputy Commissioner, DPS	
Code Reference:		
	Background Checks for Firearms	
Legislator(s) –Sponsor:	Rep. Raymond Ward	
Interested Parties:	Alice Moffat, Director, BCI	
Code Reference:		
	Firearm Safety Program Report	
Legislator(s):		
Interested Parties:	Alice Moffat, Director, BCI Lance Tyler, Supervisor Brady Section, BCI	
Code Reference:	UCA Section 53-10-202	
	<p>Description: Esther Chelsea-McCarty (LRGC) started the presentations with the Red Flag Laws & Utah Protective Orders. Part 1: Red Flag Laws, also known as Extreme Risk Protective Orders (ERPO) or gun laws restraining orders; Part 2: Utah’s Protective Order Framework as many Red Flag Laws were developed using protective laws as a basis. The presentation will cover commonalities and considerations. Rep. Handy followed up with comments on some principles he is working on for potential legislation after reviewing the Red Flag Laws and believes there is a gap in the law to address ERPOs.</p> <p>Rep. Ward, Ms. Moffat, and Mr. Tyler presented information on the overview of the Brady Firearm Transfer Background Checks. Ms. Moffat reported that the only way an incident makes it into the criminal history is if there is a fingerprint card. Only ten-prints are sent to the FBI. Citations and single-print cards are entered into Utah’s system, but not sent to the FBI, which includes domestic violence citations. The only database owned by BCI is the Utah Criminal History file. Rep. Ward presented a recommendation from the State School’s Commission on background checks needing to be reported on the national system in statute, even though BCI is doing a great job on getting the data entered in the national system. Rep. Ward will open a bill file as a committee bill.</p> <p>You can access the various reports at: BCI Firearm Safety Report at: https://le.utah.gov/interim/2018/pdf/00002479.pdf Brady Firearm Transfer Background Checks: https://le.utah.gov/interim/2018/pdf/00002667.pdf Red Flag Laws & Utah Protective Orders: https://le.utah.gov/interim/2018/pdf/00002682.pdf Red Flag Laws: Comparing ERPO & Protective Orders: https://le.utah.gov/interim/2018/pdf/00002684.pdf Firearm Safety Amendments (HB 134 2014 GS): https://le.utah.gov/~2014/bills/hbillenr/HB0134.pdf</p> <p><i>[Action: Rep. Ward made a motion to open a bill file as a committee bill to mandate reporting information to NICs. Unanimous.]</i></p>	
Bill Title/Subject Matter:	Offender Supervision Amendments	
Legislator(s) –Sponsor:	Rep. Paul Ray	
Interested Parties:	Mike Haddon, Interim Director, UDOC	
Code Reference:		
	<p>Description: This bill: removes provisions requiring a POST certified Department of Corrections employee 12 to provide investigative services; provides that a Department of Corrections employee who is trained to prepare a presentence investigation report may prepare a report for the courts, the department, or the Board of Pardons and Parole.</p> <p><i>[Action: Rep. Ray made a motion to approve as a Committee Bill. Unanimous.]</i></p>	

Bill Title/Subject Matter:		Presentence Investigation and Probation Report Amendments
	Legislator(s) –Sponsor:	Rep. Eric Hutchings
	Interested Parties:	Mike Haddon, Interim Director, UDOC
	Code Reference:	
	Description: This bill: allows the Department of Corrections to provide a copy of a defendant's presentence investigation report to a sex offender treatment provider working with the defendant; and provides that an unsworn declaration may be used to report a probation violation. <i>[Action: Sen. Ipson made a motion to approve as a Committee Bill. Unanimous.]</i>	
JUDICIARY		
Bill Title/Subject Matter:		Indigent Defense Statutes
	Legislator(s) –Sponsor:	Sen. Todd Wieler
	Interested Parties:	Joanna Landau, Director, IDC JoJo
	Code Reference:	SB 186 (2018 GS)
	Description: Staff of the Utah Indigent Defense Commission is working with interested parties to draft legislation that would cleanup and clarify provisions of the Indigent Defense Act, particularly Part 2, General Provisions, and Part 3, Counsel for Indigents. Ms. Landau provided a status report. <i>[Action: No action take, information only.]</i>	
Bill Title/Subject Matter:		Review of Appellate Decisions Calling for Legislative Action
	Legislator(s) –Sponsor:	
	Interested Parties:	Patricia Owen, Associate General Counsel
	Code Reference:	
	Description: The Utah Court of Appeals and the Utah Supreme Court in writing opinions sometimes suggest to the Legislature to take some action such as clarifying a certain provision of the statute, addressing a circumstance not addressed in the statute, or revisiting an issue. Should the Legislature establish a formal process to review these appellate decisions that call for legislative action? Staff presented this issue and the committee discussed how to proceed. You can view Ms. Owen’s presentation at: https://le.utah.gov/interim/2018/pdf/00002692.pdf <i>[Action: Rep. Nelson recommends (1) staff establish a formal process to monitor and listen to what the Appellate Court is saying to the Legislature; (2) staff to review cases and prioritize requests to Legislature on which actions need a response; (3) communication within legislature to include all committees and all legislators.]</i>	
Bill Title/Subject Matter:		Relation of State Statutes and Judicial Rules of Evidence and Procedure
	Legislator(s) –Sponsor:	Rep. Michael McKell
	Interested Parties:	Justice Thomas Lee, Associate Presiding Judge, Utah Supreme Court Jacey Skinner, Administrative Office of the Courts
	Code Reference:	
	Description: Discussion on the relation of state statutes and judicial rules of evidence and procedure. What happens when a statute makes changes to the Rules of Evidence. Ms. Skinner and Justice Lee presented information on the Rules of Evidence and the process of reviewing legislation. <i>[Action: No action taken, information only.]</i>	